

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE PETITION)
OF INDIANA BELL TELEPHONE)
COMPANY, INCORPORATED D/B/A)
SBC INDIANA, PURSUANT TO 170)
IAC 1-1.1-4 FOR PROTECTION OF)
CONFIDENTIAL INFORMATION)
PROVIDED TO THE COMMISSION)

CAUSE NO. 42702

FILED

AUG 30 2004

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made:

On August 2, 2004, pursuant to 170 IAC 1-1.1-4, Indiana Bell Telephone Company, Incorporated d/b/a SBC Indiana ("Petitioner or SBC Indiana") filed a Petition in this Cause seeking confidential treatment of certain information contained in a "Master Agreement" and "Network Services Discount Addendum Between SBC Global Services Inc. and SBC Services, Inc." (collectively "the Agreement"). In its Petition, SBC Indiana indicates that the Agreement, which concerns the provision of inbound intraLATA toll service in SBC Indiana's serving area, was submitted to the Commission on June 7, 2004, pursuant to the Stipulation and Settlement Agreement (OI2000) and the Commission's procedures for submitting Customer Specific Offerings (CSO) developed in Cause No. 38561 (IURC 10/4/89).

SBC Indiana asserts that Schedules A and A2 of Addendum No. 1 to the Agreement contain confidential pricing schedules, volume discount and associated revenue commitment information ("Confidential Information"), and that this information constitutes trade secrets as that term is defined under I.C. § 24-2-3-2. Information containing trade secrets is excepted from public disclosure under I.C. § 5-14-3-4(a)(4). In support of its Petition, SBC Indiana included the sworn Affidavit of Robert L. Walters ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 IAC 1-1.1-4 governs the submission of confidential or privileged information to the Commission and requires the applicant to request a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. § 8-1-2-29 and I.C. § 5-14-3; and 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officer, having considered Petitioner's Motion and accompanying Affidavit, hereby finds there are sufficient grounds for a determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked 'CONFIDENTIAL' and with the Cause Number noted thereon, the Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with I.C. § 5-14-3.

IT IS SO ORDERED.



Andrea L. Brandes, Administrative Law Judge

Date: August 30, 2004



Nancy E. Manley, Secretary to the Commission